Comparison of Alternatives: Ability to Satisfy Delta Reform Act's Coequal Goals and Inherent Objectives

The Delta Plan is a program-level State planning document[1] for the Sacramento-San Joaquin Delta and all areas of the State that use Delta water. The Delta Plan seeks to further achievement of the Delta Reform Act statutory coequal goals and inherent objectives (the "Project Objectives").

The Project Objectives

The Delta Reform Act (the "Act") requires the Council to adopt a Delta Plan that achieves the State's coequal goals. It also specifies: (i) eight objectives that are "inherent" in the coequal goals (see Water Code section 85020), (ii) a related statewide policy to reduce reliance on the Delta in meeting the State's future water supply needs through improved regional water self-reliance (Water Code section 85021); and (iii) certain specific subjects and strategies that must be included in the Delta Plan (see Water Code sections 85301–85309).

Consequently, for purposes of the Delta Plan's Program EIR, the Project Objectives[2] are achievement of the coequal goals and the eight "inherent" objectives, in a manner that (1) furthers the statewide policy to reduce reliance on the Delta in meeting the state's future water supply needs through regional self-reliance, (2) is consistent with specific statutory content requirements for the Delta Plan, (3) is implementable in a

[1] The EIR that evaluates the potential adverse environmental impacts of the Delta Plan is likewise a Program EIR, because project-specific detail currently is not known. Future environmental review documents would be completed by other agencies when they propose to implement specific projects that are subject to the Delta Plan's consistency requirement, or projects that are encouraged or otherwise influenced by the Delta Plan. More project-specific details likely will be known by those agencies about those projects at that time. Accordingly, many of the environmental review documents for those projects likely will be project-level EIRs, which will evaluate project details that are not known at this time.

[2] "Project objectives" is a CEQA term of art, so is used in this document. *See CEQA Guidelines* §15126.6(b).

comprehensive, concurrent, and interrelated fashion, and (4) is accomplished as rapidly as realistically possible without jeopardizing ultimate success.

The Final Draft Delta Plan's Approach

The Act requires the Council to adopt a "legally enforceable" Delta Plan to further the achievement of the State's coequal Delta goals. Consequently, the Delta Plan includes a significant, but targeted regulatory component – fourteen regulatory Policies – that are enforceable with regard to "covered actions". These regulatory Policies, together with a complementary suite of 71 nonbinding Recommendations about important matters over which the Council generally does not have enforcement authority, and the Plan's description of the Council's statutorily-established coordination role, ensure that the Delta Plan will provide the unified direction for resources management in the Delta that is required by the Act. Taken together, these Policies and Recommendations meet the legislature's directive to "further the coequal goals" and their inherent objectives and related requirements.

The Delta Plan seeks to satisfy the Project Objectives by influencing the actions of others. The Council does not propose any direct physical actions or projects (*e.g.*, physical work to restore a habitat area) in the Delta Plan. Accordingly, the degree to which the Delta Plan, or the alternatives to the Delta Plan that are analyzed in this EIR, would satisfy the Project Objectives depends upon the ability of the Delta Plan or an alternative to influence the actions of others, and how quickly those actions would be taken.

The Legislature has required the Delta Stewardship Council to develop, adopt and commence implementation of the Delta Plan to help solve the problems of declining water supply reliability and Delta ecosystem health, in recognition that the Delta is in crisis and that these problems will not solve themselves. Action is necessary, and it must be taken soon. Accordingly, a Delta Plan that asserts more influence rapidly and/or structures that influence (whether by means of a Delta Plan Policy or Recommendation) to prompt action sooner will satisfies the Project Objectives more

than an alternative with weaker and/or delayed influence. In other words, a strong and rapid call to action will satisfy Project Objectives better than a weak or delayed call to action.

For example, two competing Delta Plan provisions, which are identical in all respects (*e.g.*, calling for development of local water supplies and increased water use efficiency) except that one is a mandatory regulatory Policy and the other is a non-binding Recommendation, would not satisfy the Project Objectives equally. The mandatory Policy would better achieve the Project Objectives because, for a proposed covered action, compliance with the Policy would be required in order to demonstrate that a covered action is consistent with the Delta Plan.

None the less, the PEIR's analysis makes a conservative assumption that Recommendations could lead to physical actions that may have a significant effect on the environment. In order to provide the fullest possible protection to the environment within the reasonable scope of the statutory language,[3] CEQA requires analysis of actions that "may" have a direct or indirect physical effect on the environment. In contrast, the when Policies and Recommendations in the Delta Plan and the Alternatives are evaluated for their ability to satisfy Project Objectives, the focus of the comparison is on their respective likelihood of success because there is no risk of under-disclosure of environmental impacts.

The following discussion of the ability of the Delta Plan and the Alternatives[4] to satisfy the Project Objectives reflects the foregoing discussion.

<u>No Project Alternative</u>

[3] *Laurel Height Improvement Ass'n v. Regents of the University of California* (1988) 47 Cal. 3d 376, 429 (citing *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259.)

[4] It is beyond the scope of this document to explain how the Alternatives were developed, including how stakeholder-submitted alternatives were handled. That topic is addressed in the staff report to which this document is an attachment.

The No Project Alternative would not meet any of the Project Objectives. Moreover, the No Project Alternative is not legally feasible, given that the Delta Reform Act requires adoption of a Delta Plan.

Proposed Project Alternative (Fifth Staff Draft Delta Plan from Fall 2011)

The November 2011 Proposed Project Alternative (Fifth Staff Draft Delta Plan) is similar in many respects to the November 2012 Revised Project (Final Staff Draft Delta Plan). However, the November 2011 Fifth Staff Draft Delta Plan may not meet project objectives as well as the November 2012 version because the policy/recommendation revisions and additions included in the Revised Project better clarify and specify the requirements for compliance with policies of the Delta Plan and the actions needed to achieve consistency. The policy and recommendation revisions and additions that improve the ability of the Revised Project to meet project objectives are identified in subsequent paragraphs below. In general, this lower level of clarification and specificity in the Proposed Project Alternative may make full compliance with Delta Plan policies and taking action on Delta recommendations more uncertain, thus reducing its ability to meet project objectives in a timely manner.

The Proposed Project Alternative would not recommend the development of a Science Plan (Revised Project G R1). Currently, science efforts related to the Delta are performed by multiple entities with multiple agendas and without an overarching plan for coordinating data management and information sharing among entities (Delta Plan, page 61). Unlike the Revised Project, the Proposed Project Alternative does not call for development of a plan that organizes and integrates ongoing scientific research, monitoring, analysis, and data management among entities. This absence of a clear Science Plan that helps ensure the use of best available science in conformance with Water Code sections 85302(g) and 85308(a) makes the Proposed Project Alternative less likely to meet project objectives. Furthermore, the Proposed Project Alternative would be less likely to meet project objectives because the integrated, analytical approach to understanding the effects of environmental factors (stressors) on the ecosystem and its components provided in the Revised Project would be more likely to

provide important insights that could lead to enhancement of the Delta and its species (Delta Plan, page 43).

The Proposed Project Alternative also would not contain performance measures, as required under Water Code sections 85308(b) and 85308(c), that are as clear and comprehensive as those identified in the Revised Project (Delta Plan, page 53; Performance Measures section at the end of each chapter of Delta Plan), and thus would not provide as much guidance on the actions needed to monitor progress toward meeting the coequal goals/project objectives. Therefore, the Proposed Project Alternative is less likely to effectively track progress on meeting project objectives and to provide insight into whether actions required or encouraged by the Council are effectively meeting project goals. Without this information, the Council would not be as prepared to make necessary adaptive management adjustments and corrections and thus unable to meet project objectives as well as under the Revised Project.

The Proposed Project Alternative would not reduce reliance on the Delta or improve regional self-reliance as well as the Revised Project because the Proposed Project Alternative would not extend the recommendations contained in Revised Project (Recommendation WR R4) into the Delta watershed. Thus, the Proposed Project Alternative would provide less encouragement to water suppliers in the Delta watershed to expand the water supply reliability element as part of the update of their urban water management plan, agricultural water management plan, integrated water management plan, or other plan that provides equivalent information about the supplier's planned investments in water conservation and water supply development. The lack of participation by some water suppliers throughout California to implement laws, programs, and projects that improve water efficiency, expand local and regional water supplies, and reduce reliance on the Delta and the Delta watershed contributes to higher water demands, less water supply to meet these demands, greater pressure on the Delta ecosystem for its water, and more vulnerability to the impacts of climate change and catastrophic events (Delta Plan, page 107). Because the Proposed Project Alternative would provide less encouragement to Delta watershed water suppliers to

engage in activities that could help reduce conflicts among urban, agricultural, and environmental uses, and contribute to the ability of regions in California to reduce their reliance on water from the Delta watershed, it would be less likely to improve statewide water supply reliability and meet the inherent objective to *Promote statewide water conservation, water use efficiency, and sustainable water use* (Water Code section 85020 (d)).

Both the Proposed Project Alternative and the Revised Project promote Delta habitat restoration in consideration of elevation and the type of restoration contemplated. However, the survival and success of organisms are closely associated with the total amount of usable habitat, as well as with habitat patch sizes, shapes, and arrangements. Habitats that are too small, fragmented, or isolated may not provide long-term support for specific organisms (Delta Plan, page 143). The Revised Project goes further than the Proposed Project Alternative to help ensure connections between areas being restored and existing habitat areas and other elements of the landscape needed to benefit the full life cycle of the species by identifying priority restoration areas where restoration is most promising (Delta Plan ER R1). This additional focus not only increases the likelihood of successful habitat restoration, but also helps limit the loss of agricultural lands, reduce potential conflicts with other land uses, and contribute to protection of the unique agricultural and historic values that distinguish the Delta as an evolving place. Therefore, the Proposed Project Alternative would not meet project objectives as well as the Revised Project. .

The Proposed Project Alternative would not meet the project objectives as well as the Revised Project because it would not specify as clearly the actions needed to protect the agricultural lands, historic Legacy Communities, and other unique resources that distinguish the Delta as a place as required by Water Code 85054 and 85020. Moving forward, the Delta will face increasing pressures from a growing population, changes in commodity markets, and changes in climate and sea level that will require flexibility and adaptation (Delta Plan, page 204). The Proposed Project Alternative would do less to foster land uses and development that are resilient to these changes, reduce risks to

people and property, adjust to changing conditions, and recover readily from distress. Specifically, the Proposed Project Alternative would do less than the Revised Project to locate new development wisely (Revised Project DP P1) by locating development in areas that local governments already plan for urban uses, so that rural agricultural land could be protected for farming. The Proposed Project Alternative also lacks any requirement that decisions about siting water management facilities, ecosystem restoration, and flood management infrastructure respect local land use (Revised Project Policy DP P2), potentially leading to unnecessary loss of the farmland and historic resources of the Delta and its Legacy Communities. It also would do less to encourage actions such as planning for the vitality and preservation of Legacy Communities (Revised Project Recommendation DP R3), plan for State highways (Revised Project DP R6), promote value-added crop processing (Revised Project Recommendation DP R8), provide new and protecting existing recreational opportunities (Revised Project Recommendation DP R11), and enhance opportunities for visitor-serving businesses (Revised Project Recommendation DP R17). The reduced level of specificity and less comprehensive attention to protecting and enhancing the unique values of the Delta as an evolving place contained in the Proposed Project Alternative make it less likely to meet project objectives as well as the Revised Project because actions to protect these values would be less likely to occur without the Council's specific encouragement. Without these actions, the plan would also be less likely to meet Water Code 80522(d)(3). Therefore, the Proposed Project Alternative would be less likely to meet the inherent objective to *Protect and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place* (Water Code section 85020 (b)).

<u>Alternative 1A – Export More Water Out of the Delta; Decreased Emphasis on Local and Regional Water Self-reliance; Focus Habitat Restoration on High Priority Locations, Focus Levee Improvements on Protecting Water Supply Corridors</u>

Alternative 1A would not meet project objectives as well as the Revised Project because under Alternative 1A, Policy WR P1 would become a recommendation rather than a

regulatory policy. Because Alternative 1A would not require, but would only recommend, that agencies with covered actions provide sustainable water supply plans and water management practices that would improve regional self-reliance and reduce reliance on the Delta, the coequal goals *of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem* (Water Code section 85054), and the inherent objective to *Promote statewide water conservation, water use efficiency, and sustainable water use* (Water Code section 85020 (d)), would not be achieved in as timely a manner as under the Revised Project or may not be achieved by agencies that have covered actions because the agencies connected with those actions would not have to improve self-reliance as a legal/regulatory matter because there would be no legally required regulation (because no Policy). Failure to implement timely projects and programs aimed at achieving the coequal goals reduces the probability that they will be successfully achieved, thereby leading to continued degradation of the Delta watershed ecosystem and water supply infrastructure. Moreover, Alternative 1A would not meet project objectives as well as the Revised Project because Alternative 1A would not require water suppliers that export water from, transfer water through, or use water in the Delta to complete and commence implementation of urban or agricultural water management plans that include programs and projects that are locally cost effective and technically feasible to reduce reliance on the Delta (Revised Project WR P1). Therefore, Alternative 1A would not be as effective as the Revised Project at encouraging water suppliers to engage in programs and projects that would increase the reliability of water supplies and improving the resiliency of water supplies to conditions of drought, emergency shortage, and climate change.

Alternative 1A would not meet project objectives because it would not set forth recommended specific deadlines for the State Water Resources Control Board to develop numerical flow and water quality objectives to improve the Delta ecosystem (a specific deadline for Delta flow objectives is included in Revised Project Policy ER P1). A return to a more naturally variable hydrograph is a key component of ecosystem restoration because the hydrograph works hand-in-hand with habitat restoration to produce diverse and interconnected food webs, refuge options, spawning habitat, and

regional food supplies (Delta Plan, page 140). In addition, fish and other aquatic species native to the Delta are adapted to natural flow, salinity, and sediment regimes (Delta Plan, page 155). Furthermore, uncertainty regarding future flow objectives for the Delta impairs the reliability of water supplies that depend on the Delta or its watershed, and the predictability of water exports cannot be improved and the BDCP cannot be implemented without timely State Water Resources Control Board action to update flow objectives (Delta Plan, page 155). Because Alternative 1A would defer the recommended development of numerical flow and water quality objectives to the future instead of targeting specific dates, the anticipated benefits to the ecosystem and water quality would not be realized as quickly as they would under the Revised Project's recommendation and the coequal goals *of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem* (Water Code section 85054) and the achievement of the following inherent objectives, which are to *Protect and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place* (Water Code section 85020 (b)) and *Improve water quality to protect human health and the environment consistent with achieving water quality objectives in the Delta* (Water Code section 85020 (e)), would be delayed. Alternative 1A also would be less likely to achieve the subgoals and strategies to be included in the Delta Plan, including *Restore Delta flows and channels to support a healthy estuary and other ecosystems* (Water Code section 85302(e)(4)).

Alternative 1A also would not meet project objectives as well as the Revised Project because, as described above for the Proposed Project Alternative, Alternative 1A would not go as far to help ensure that habitat restoration would be focused in areas (Delta Plan, Figure 4-6, page 159) where ecosystem benefits would be most promising. In addition, the ancillary benefits of focusing on priority habitat restoration areas, including limiting the loss of agricultural lands, reducing potential conflicts with other land uses, and contributing to protection of the unique agricultural and historic values that distinguish the Delta as an evolving place, would not be realized. Therefore, Alternative 1A Alternative would not meet project objectives as well as the Revised Project.

Alternative 1A would not meet project objectives for protecting and enhancing the unique values of the Delta as an evolving place as well as the Revised Projects because, as described for the Proposed Project Alternative above, it would not specify as clearly the actions needed to protect the agricultural lands, historic Legacy Communities, and other unique resources that distinguish the Delta as required by Water Code sections 85054 and 85020.

Alternative 1A would not fully meet project objectives because it limits expansion by Department of Water Resources of emergency stockpiles for use only on repairs of levee breaches and seismically induced slumping in response to catastrophic levee failures (as compared to more general levee repairs under the Revised Project Recommendation RR R1). Therefore, under Alternative 1A, emergency materials to repair levees would not be as available as under the Revised Project, which could make protection of land and property from flooding more difficult. Alternative 1A also limits State investments for levee improvements when a less costly option is available or when the land use that would be protected by the levee improvements is not economically sustainable (as compared to more universal application of State investment under the Revised Project Recommendation RR P1). This could leave more area in the Delta at risk of flood and reduce the likelihood of flood risk reduction. Therefore, the following inherent objective, which is to *Reduce risks to people, property, and state interests in the Delta by effective emergency preparedness, appropriate land uses, and investments in flood protection* (Water Code section 85020(g)), would not be met under Alternative 1A to the same extent as under the Revised Project.

Alternative 1B – Export More Water Out of the Delta; Reduced Conservation and Water Efficiency Measures; Only Voluntary Actions by State and Local Agencies; Coordination, not Regulation; Large Number of Additional Studies Before Action

Alternative 1B would not meet project objectives as well as the Revised Project because, similar to and as described above for Alternative 1A, Alternative 1B would convert WR P1 from a Policy to a Recommendation, and thereby not place the same restrictions on water being exported from, transferred through or used in the Delta as

required under Revised Project, Policy WR P1. Therefore, the coequal goals *of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem* (Water Code section 85054) and the following inherent objective, which is to *Promote statewide water conservation, water use efficiency, and sustainable water use* (Water Code section 85020 (d)) would not be achieved in as timely a manner as under the Revised Project or achieved by all agencies that intend to export, transfer, or use water in the Delta. Failure to implement timely projects and programs aimed at achieving the coequal goals reduces the probability that they will be successfully achieved, thereby leading to continued degradation of the Delta watershed ecosystem and water supply infrastructure.

Alternative 1B would not meet project objectives as well as the Revised Project because Alternative 1B would recommend the State Water Resources Control Board to develop numerical flow and water quality objectives to improve Delta ecosystem based on their preexisting schedule rather than the specific recommended deadlines of 2014 to 2018 for Delta flow objectives included in Revised Project Policy ER P1. The reasons why a delay in the development of flow objectives would make Alternative 1B less likely than the Revised Project to meet project objectives are the same as explained above for Alternative 1A.

Alternative 1B also would not meet project objectives as well as the Revised Project because, as described above for the Proposed Project Alternative, Alternative 1B would not go as far to help ensure that habitat restoration would be focused in areas (Delta Plan, Figure 4-6, page 159) where ecosystem benefits would be most promising. In addition, the ancillary benefits to protection and enhancement of the Delta as an evolving place associated with focusing on priority habitat restoration areas would not be realized. Therefore, Alternative 1B Alternative would not meet project objectives as well as the Revised Project.

Alternative 1B also would not fully meet project objectives because Alternative 1B would not prevent encroachment of non-ecosystem restoration and non-agricultural covered actions within floodplains in the Cosumnes River-Mokelumne River Confluence and the Lower San Joaquin River areas or any other areas within the Delta (as compared with

the Revised Project Policy RR P4). Therefore, the following inherent objective, which is to *Reduce risks to people, property, and state interests in the Delta by effective emergency preparedness, appropriate land uses, and investments in flood protection* (Water Code section 85020(g)), would not be met under Alternative 1B to the same extent as under the Revised Project.

Alternative 1B would not meet project objectives for protecting and enhancing the Delta as an evolving place as well as the Revised Project because, as described for the Proposed Project Alternative above, it would not specify as clearly the actions needed to protect the agricultural lands, historic Legacy Communities, and other unique resources that distinguish the Delta as a place as required by Water Code sections 85054 and 85020.

Alternative 2 – Decreased Export of Water from the Delta; Increased Emphasis on Ecosystem Restoration throughout California

Alternative 2 would not meet project objectives because Alternative 2 includes a recommendation to the State Water Resources Control Board to restrict the maximum amount of Delta water used in areas outside of the Delta to 3 million acre-feet and to prohibit use of Delta water for irrigation of drainage-impaired farmlands. Therefore, the coequal goals *of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem* (Water Code section 85054) would not be achieved for existing California users of Delta water, particularly agricultural users. These restrictions would reduce the future amounts of Delta water exported to water users located outside of the Delta to levels that would be less than the current long-term average water deliveries and would eliminate Delta water supplies to a portion of irrigated lands in the San Joaquin Valley. As described below, development of new/expanded local and regional water supplies might make up the difference for urban and industrial users, but not for agricultural users, thereby leading to a reduction in useable farmland in the San Joaquin Valley and an increase in land fallowing.

Currently, the maximum annual SWP and CVP water Delta diversions have been about 6 million acre-feet/year for water users located outside of the Delta. In a non-critically

dry year, the CVP is required to provide over 1.1 million acre-feet/year to San Joaquin River water rights exchange contractors and San Joaquin Valley federal and state wildlife refuges. Therefore, about 5 million acre-feet/year of Delta water is available for SWP and CVP municipal, agricultural (including a portion of land that relies upon drainage programs), and industrial water contractors. Under Alternative 2, the maximum Delta diversion for water users located outside of the Delta would be 3 million acre-feet.

In addition, under Alternative 2, Delta water would not be available at all for irrigation of land that depends on artificial agricultural drainage. These lands have high groundwater which does not drain from the root zone of the crops. High concentrations of chemicals and salts applied on the crops and leached from the soils (e.g., selenium) accumulate in this stagnant groundwater. These conditions adversely affect crop production. Historically, farmers have constructed drainage systems to convey this groundwater away from the soils. The drainage water has been discharged to the surface water bodies and has resulted in substantial adverse water quality and related biological impacts. The Revised Project, Proposed Project Alternative, and Alternatives 1A, 1B, and 3 involve continued irrigation (with varying amounts of Delta water) in areas that require drainage and water users constructing and operating water treatment or other methods to reduce discharge of chemicals and salts into water bodies. Alternative 2 would address the chemicals/salts problem by eliminating irrigation of these lands, at least with Delta water. Under Alternative 2, irrigation of these lands with non-Delta water supplies would not be prohibited, but there likely are not enough of such non-Delta supplies to make up the difference of lost Delta water.

Alternative 2 also would include an additional 2.56 million acre-foot reservoir in the Tulare Lake Basin. Water from this reservoir could be used by municipal, agricultural, and industrial contractors and for irrigated agriculture that relies upon drainage programs. However, the maximum amount of water available from a reservoir is always less than the reservoir capacity, due to evaporation and the need to retain some water. Therefore, the new Tulare Lake storage facility probably would store no more than a maximum of 2 million acre-feet. The surface area of the reservoir would be about 320,000 acres. DWR has reported ranges of evaporation rates in the southern San

Joaquin Valley of about 5.5 feet/year. These rates would result in up to 1.7 million acre-feet/year of evaporation from the new reservoir. Therefore, in consideration of the evaporation losses, it appears that a new reservoir in Tulare Lake Basin would only yield about 300,000 acre-feet/year, which would fall well short of offsetting the substantial reduction in exports from the Delta. This would impact agricultural users of Delta water substantially, and would affect municipal and industrial users as well although to a lesser extent.

Alternative 2 would involve more extensive development of new local and regional water supply facilities for current municipal and industrial water users of Delta water than anticipated under the Revised Project. It is also possible that municipal water users could implement stringent water use efficiency and conservation measures, such as reduction in outside landscape irrigation. For municipal and industrial water users, then, it is anticipated under Alternative 2 that water users that use Delta water may continue to meet anticipated water demands, although the amount of Delta water would become a smaller portion of the total water supply.

Alternative water supplies for agricultural water users may be more limited if the need for new local and regional water supplies (*i.e.*, to make up for the loss of Delta water) exceeds available groundwater, including currently contaminated groundwater that could become available following wellhead treatment and expansion of groundwater storage, or available water transfers. Most agricultural water users are not located close enough to the ocean to obtain water from ocean desalination treatment plants or to cities that could provide recycled wastewater. For example, agricultural areas in western Fresno County (such as near Los Banos) are more than 50 miles from the Pacific Ocean and large cities such as Fresno. Therefore, there would be a substantial loss of irrigation water supply to irrigation water users located outside of the Delta under Alternative 2 as compared to the Revised Project. This loss of water could cause agricultural land uses to convert from irrigated crops to non-irrigated crops or to be fallowed.

Alternative 2 also would not meet project objectives because Alternative 2 requires numerical flow and water quality objectives that are primarily supportive of Delta ecosystem uses and do not provide the balance between multiple beneficial uses of Delta water in accordance with the coequal goals *of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem* (Water Code section 85054) as well as the balance provided by the Revised Project.

Alternative 2 also would not meet project objectives for protecting and enhancing the Delta as an evolving place as well as the Revised Project because, as described for the Proposed Project Alternative above), it would not specify as clearly the actions needed to protect the agricultural lands, historic Legacy Communities, and other unique resources that distinguish the Delta as a place as required by Water Code sections 85054 and 85020.

Alternative 3 – Increased Emphasis on Protection and Enhancement of Delta Communities and Culture; Protection of Delta Agricultural Land and Less Ecosystem Restoration; Fewer Regulations for Delta Counties

Alternative 3 would not meet the project objectives as well as the Revised Project because Alternative 3 would not require water suppliers that use water in the Delta to complete and commence implementation of urban or agricultural water management plans that include programs and projects that are locally cost effective and technically feasible to reduce reliance on the Delta (Revised Project WR P1). Therefore, the coequal goals *of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem* (Water Code section 85054), and the inherent objective to *Promote statewide water conservation, water use efficiency, and sustainable water use* (Water Code section 85020 (d)), would not be achieved as well as under the Revised Project because Alternative 3 Policy WR P1 only applies to export areas and not to in-Delta users of Delta water.

Alternative 3 would not meet project objectives because Alternative 3 focuses the emphasis on habitat restoration on publicly owned lands and non-productive farmland compared to the more extensive focus for initial Delta ecosystem restoration set out in

the Revised Project. Public land in the Delta represents a very small proportion of the total land base available for ecosystem restoration in the Delta (Draft Delta Program Environmental Impact Report, Figure 6-1, page 6-4), and this restriction on where habitat would be restored would limit or impair the ability to restore habitat in a way that reduces habitat fragmentation and provides more, larger, and better-connected patches of habitat to support the persistence or recovery of the species associated with the Delta. Therefore, the coequal goals *of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem* (Water Code section 85054), the inherent objective to *Restore the Delta ecosystem, including its fisheries and wildlife, as the heart of a healthy estuary and wetland ecosystem* (Water Code section 85020 (c)), and the subgoals and strategies for restoring a healthy Delta ecosystem to *Restore large areas of interconnected habitats within the Delta and its watershed by 2100* (Water Code section 85302(e)(1)), *Establish migratory corridors for fish, birds, and other animals along selected Delta river channels* (Water Code section 85302(e)(2)) and *Promote self-sustaining, diverse populations of native and valued species by reducing the risk of take and harm from invasive species* (Water Code section 85302(e)(3)), would not be achieved to the same extent as under the Revised Project.

Alternative 3 would not meet project objectives because Alternative 3 would not prevent encroachment into the floodplain along the Lower San Joaquin River (as compared with the Revised Project Policy RR P4). Development in existing or potential future designated floodplain or bypass locations can permanently eliminate the availability of these areas for future floodplain usage. It is important to identify floodplain areas for immediate protection and eventual integration into the flood protection system (Delta Plan, page 290). Therefore, Alternative 3 would not meet the inherent objective to *Reduce risks to people, property, and state interests in the Delta by effective emergency preparedness, appropriate land uses, and investments in flood protection* (Water Code section 85020(g)) to the same extent as under the Revised Project. In addition to the benefits to flood risk reduction, inundated floodplains are important because they stimulate the food web by enhancing plant growth, triggering aquatic

invertebrate production, exporting food that becomes available to animals downstream, and providing spawning and rearing habitat on the floodplain for fish such as salmon and splittail (Delta Plan, page 138).